

REMARKS

Claim 1 has been amended to include the recitations of claim 4, which has been canceled.

Claims 5-9 have been amended.

Claim 10 has been canceled.

Claims 11-22 have been added. Support for these claims can be found in original claims 1-10.

Upon entry of the amendment, claims 1-3, 5-9 and 11-22 will be pending.

Claim 10 has been rejected under 35 U.S.C. § 101. Claim 10 has also been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Claim 10 has been canceled, which renders each of the foregoing rejections moot.

Claims 1-9 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bolle et al., U.S. Patent No. 6,217,942 (“Bolle”).

Claim 1 has been amended to include the recitations of claim 4, which has been canceled.

Bolle discloses a method of preparing a composition comprising a lignin and a phenolic compound-oxidizing enzyme (abstract). Although Bolle discloses a composition comprising a lignin and a phenolic compound-oxidizing enzyme, Bolle does not disclose or suggest a deodorant composition comprising a lignin and a phenolic compound-oxidizing enzyme.

Moreover, Bolle does not teach or suggest that the composition includes a fragrance and/or a flavor, which the Examiner admits on page 4 of the Office Action.

The Examiner asserts that it would have been obvious to one of ordinary skill in the art to use the composition of Bolle as a deodorant. Additionally, the Examiner asserts that it would

Appln. No.: 10/533,340
Amendment under 37 C.F.R. § 1.111

have been obvious to one of ordinary skill in the art to add flavors to deodorant compositions for oral use and it would have been obvious to one of ordinary skill in the art to add fragrances to deodorant compositions to mask odors.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.

Contrary to the Examiner's assertion Applicants submit that it would not be obvious to one of ordinary skill in the art to use the composition disclosed in Bolle as a deodorant composition. Additionally, since Bolle does not teach or disclose using the composition disclosed therein as a deodorant, it would not have been obvious to one of ordinary skill in the art to add flavors and/or fragrances to the deodorant composition disclosed in Bolle, as suggested by the Examiner.

The object of the invention disclosed in Bolle is to provide a coating for protection and beautifying an object (col. 1, lines 65-67). Coating and beautifying an object would not involve adding fragrance or flavor to a particular composition and one of ordinary skill in the art would not be motivated based on the disclosure in Bolle to use the composition as a deodorant or to include a fragrance and/or a flavor in a composition comprising a lignin and a phenolic compound-oxidizing enzyme. Therefore, while the Examiner asserts that it would be obvious to add a fragrance or flavor to the composition disclosed in Bolle and that it would be obvious to use the disclosed composition as a deodorant, the Office Action fails to point out where this is taught in the cited art and the Examiner fails to provide any other documentary evidence to support this conclusion.

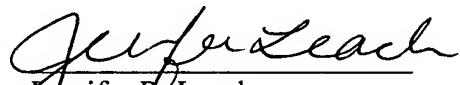
Appln. No.: 10/533,340
Amendment under 37 C.F.R. § 1.111

In view of the foregoing, Applicants submit that the claimed invention is not obvious based on Bolle because Bolle fails to teach or suggest all the elements of the claimed invention and the Office Action provides no evidence to the contrary. Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Jennifer R. Leach
Registration No. 54,257

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON DC SUGHRUE/265550

65565

CUSTOMER NUMBER

Date: February 28, 2007